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REMARKS

Claims 1 through 21 were presented for examination in the present application and remain pending upon entry of the instant response, which is respectfully requested.

Claims 1 through 21 were rejected under 35 U.S.C. §112, first paragraph. Applicant respectfully traverses this rejection.

Support for the prior amendments to independent claims 1 and 12 can be found in the specification at least at paragraph 34, which is provided below for the convenience of the Examiner:

"Nozzle 22 and robot 24 can be used to more precisely control the amount of dye 20 applied to garment 10 than in previous dyeing methods. For example, robot 24 can move nozzle 22 to only apply dye 20 to garment 10, while minimizing over-spray (i.e., spray of dye 20 onto carrier 18). Thus, second station 30 can minimize the use of dye 20 as compared to prior bulk or yarn dyeing methods. In this manner, process 26 optimizes the amount of dye 20 used to manufacture garment 10, which can reduce the cost of the garment."

Clearly, the present application as filed supports the amended elements of claims 1 and 12. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 through 21 under 35 U.S.C. §112.

Claims 1 through 21 were finally rejected under 35 U.S.C. §102 over U.S. Patent No. 2,990,087 to Berwin et al. (Berwin) and U.S. Patent No. 2,985,502 to Kronsbein et al. (Kronsbein).

Specifically, the Office Action asserts that the amendments to independent claims 1 and 12 do not include the addition of a

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separate process step and, as such, all of the claimed steps are disclosed by Berwin and Kronsbein.

Applicant respectfully traverses this rejection.

It is permissible for a method step to recite some condition or property without reciting in the claim every step necessary to obtain or achieve that condition or property. See In re Roberts, 470 F.2d 1399, 176 USPQ 313 (CCPA 1973).

Independent claim 1 recites "spraying a dye on a first side of the fabric to minimize over-spray of said dye". Thus, spraying to minimize over-spray is the process step recited by amended claim 1.

Independent claim 12 recites "spraying said first side with a dye so that spraying of said dye on said carrier is minimized". Thus, spraying dye so that spraying of the dye on the carrier is minimized the process step recited by amended claim 12.

The Office Action has not assert that either the Berwin or Kronsbein references disclose or suggest spraying to minimize over-spray as in claim 1 or spraying so that spraying of the dye on the carrier is minimized as in claim 12. In fact, Berwin and Kronsbein are unconcerned with over-spray of the dye, as all over-sprayed dye is re-circulated.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See Verdegaal Bros.

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v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Accordingly, Berwin and Kronsbein do not disclose or suggest independent claims 1 and 12, as well as claims 2 through 11 and 13 through 21. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 1 through 21 were also rejected under 35 U.S.C. §102 over U.S. Patent No. 2,872,277 to Kirk (Kirk).

Applicant respectfully traverses this rejection.

Kirk is directed to dyeing of leather on only one side. Specifically, Kirk discloses that dyeing certain types of leather only on one side is highly desirable. This is particularly true of glove, shoe, garment, and upholstery leathers where bleeding and/or rubbing off of a color from the opposite surface would be objectionable. See col. 1, lines 45-56.

Claim 1 recites "exposing the fabric to a migration and fixation process prior to said dye drying on said first side so that said dye migrates from said first side to a second side of the fabric". Clearly, the one sided dyeing of Kirk does not disclose or suggest the exposure to a migration and fixation process so that said dye migrates from said first side to a second side as recited in claim 1.

Claim 12 recites "steaming and heating the garment prior to said dye drying on said first side so that said dye migrates

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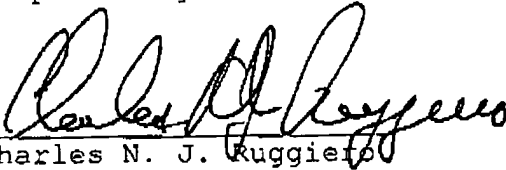
from said first side to said second side". Again, the single sided dyeing of Kirk does not disclose or suggest the steaming and heating so that the dye migrates from the first side to the second side as recited in claim 12.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited. In the alternative, it is respectfully submitted that the instant amendment removes issues for appeal and, thus, entry is requested for the purposes of appeal.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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